

STORM WATER PERMIT GUIDANCE FOR THE TRANSPORTATION INDUSTRY

Must My Transportation Facility Get a Permit?

Several types of industrial activities commonly have materials and processes that can affect the environment in various ways. One common effect on the environment is the contamination of water from industrial pollutants that are washed into our state's lakes and streams by rain and snow. In 1990, federal regulations were published which identified several types of industries that are required to apply for National Pollutant Discharge Elimination System (NPDES) permits if storm water (rain or snowmelt) contacts areas of industrial activity at the facilities and discharges into a lake, stream or other surface water body. Transportation facilities (including truck, rail and passenger terminals) engage in a number of industrial activities that are covered under the regulations. You can determine if a storm water permit is necessary for your transportation facility by answering the following three questions.

1. What is Your Establishment's SIC Code, and is it Covered Under the Federal Storm Water Regulations?

All commercial businesses have an industry-specific 4-digit Standard Industrial Classification (SIC) code number based on the primary activity of the business. Several SIC codes relating to transportation industries are listed in the federal storm water regulations. Operators of facilities with listed SIC codes are required to apply for storm water discharge permits if they also meet conditions 2 and 3 below. The following transportation-related SIC codes are among those listed in the regulations:

- 4011 Railroad switching and terminal establishments
- 4013 Railroads, line-haul operating
- 4111 Local and suburban passenger transit
- 4119 Local passenger transportation, limousine and vehicle rental with drivers
- 4121 Taxicabs
- 4131 Intercity and rural bus transportation
- 4141 & 4142 Charter bus services
- 4151 School buses operated privately, not operated by an educational institution
- 4173 Terminal and service facilities for motor vehicle passenger transportation
- 4212 Local trucking without storage
- 4213 Trucking, except local
- 4214 Local trucking with storage
- 4215 Courier services, except by air
- 4231 Terminal and Joint terminal maintenance facilities for motor freight transportation
- 4412-4499 Water transportation, including recreational marinas
- 4512-4581 Air transportation, including air courier services
- 5171 Petroleum bulk storage stations

Some establishments have more than one SIC code, depending on the types of activities performed. The primary SIC code (based on the greatest source of revenue) is used to determine if an establishment is included in the storm water regulations. Generally, establishments that derive most of their income from hauling freight or passengers are covered under the regulations, while those involved in wholesale or retail sales are not if they operate vehicles to transport or distribute their own goods. Other transportation related facilities that do not need storm water discharge permits are truck stops, gas stations, repair shops that service primarily someone else's vehicles, and establishments that rent or lease trucks and other vehicles without drivers.

2. Are Regulated "Industrial Activities" Conducted at the Facility?

For transportation facilities, regulated "industrial activities" are vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, or lubrication) or equipment cleaning operations. A permit is needed for storm water that discharges from areas where these activities are being conducted

even if there is no actual contact between the storm water and the activity. As an example, if a truck, bus or train yard includes a building where vehicle maintenance is performed, a storm water discharge from the site of that building needs a permit even if the storm water has not actually contacted the vehicles being maintained or repaired. Areas that are not associated with industrial activity include employee parking; access roads and rail lines; passenger loading, unloading and holding areas; and administrative buildings.

3. Is there a point source discharge of *Storm Water Runoff to Surface Waters of the State*?

“Storm water runoff” consists of rain, snow or any other form of precipitation that falls on the facility and runs (flows) off. A “point source discharge” is defined as any discernable, confined, and discrete conveyance that directs storm water off the property. This includes but is not limited to pipes, ditches, channels, tunnels, conduit, well, discrete fissure, container, grading to direct water off the property or an increase in the imperviousness of the ground. Storm water that does not discharge off the site of a regulated industrial activity or which does not follow a definable path to a surface water body will not need a permit.

“Surface waters of the state” are lakes, rivers and streams and all other watercourses and waters within the confines of the state and also the Great Lakes bordering the state.

A transportation facility needs a storm water discharge permit if it meets all three of the conditions listed above. A storm water discharge permit application is not needed if one or more of the above conditions do not apply to the facility.

Are there any exemptions?

Yes, a permit application is not required for transportation facilities that meet the following conditions:

- Storm water is discharged into a sewer system designed to contain storm water runoff and combine it with sanitary wastewater (called a combined sewer) which leads to a wastewater treatment plant. Combined sewers are common in several large cities in Michigan. You may contact personnel at the wastewater treatment plant in your city to determine if your site is served by combined or separate storm sewers.
- A municipal transportation facility is operated by a city, town, village, township, or county that serves a population of 100,000 or less.

What if I Lease My Facility?

The facility operator rather than the property owner must apply for permit coverage.

How to Apply for Coverage

To apply for coverage, submit a Notice of Intent (NOI) to the Michigan Department of Environmental Quality, Surface Water Quality Division district office in your area. A separate NOI must be filled out for each facility. Your submitted NOI will be reviewed by the Department. If coverage under the industrial storm water general permit is appropriate, a Certificate of Coverage will be issued to you. Each applicant that receives a Certificate of Coverage will be responsible for developing and implementing a storm water pollution prevention plan. Schedules and criteria for developing and implementing the pollution prevention plan are found within the enclosed general storm water permit (PR 4674). In accordance with Section 324.3118 of the Michigan Act, the permittee shall make payment of a \$200.00 annual storm water fee to the department, which shall be postmarked no later than March 15 of each year. The department shall notify the permittee of their fee assessments by February 1 of that fiscal year.

What Happens if I Ignore This?

If a required applicant ignores the permit application requirement or does not return the enclosed NOI, the individual may be in violation of federal and state law. Violations may result in fines, legal action, or expose the facility to citizen lawsuits. Federal and state statutes allow fines up to \$25,000 per day of violation. If you have determined that a storm water permit is not needed for your facility, please fill out and return the enclosed response form so that MDEQ can remove your facility name from the mailing list and discontinue further correspondence regarding your facility. A storm water audit inspection may be performed to determine the accuracy of the Industrial Storm Water Response form.